
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

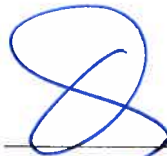
UNITED STATES OF AMERICA : Hon. James B. Clark, III
 :
 v. : Magistrate No. 19-3301(JBC)
 :
 FRANCIS ALVAREZ BRITO, : **CRIMINAL COMPLAINT**
 a/k/a "Francis Alvarez-Brito," :
 a/k/a "Francis Brito" :

I, Ian Patel, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT B



Ian Patel
Deportation Officer
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,
June 20, 2019 at Newark, New Jersey

HONORABLE JAMES B. CLARK, III
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

On a date on or after June 4, 2008, and on or before April 4, 2019, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

FRANCIS ALVAREZ BRITO,
a/k/a "Francis Alvarez-Brito,"
a/k/a "Francis Brito,"

being an alien, and on or about May 14, 2001, having been convicted in the Superior Court of New Jersey, Essex County, of Possession of CDS with intent to Distribute/School, namely Cocaine, in the Third Degree, in violation of Section 2C:35-7 of the New Jersey Code of Criminal Justice, a felony, and thereafter having been deported and removed and having departed from the United States while an order of deportation was outstanding, did knowingly and voluntarily enter, attempt to enter, and was found in the United States without the Attorney General or the Secretary of Homeland Security expressly consenting to the defendant's re-applying for admission to the United States prior to his re-embarkation at a place outside the United States.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(1).

ATTACHMENT B

I, Ian Patel, am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. The defendant, FRANCIS ALVAREZ BRITO, a/k/a "Francis Alvarez-Brito," a/k/a "Francis Brito" (the "Defendant"), is a citizen of the Dominican Republic, and he neither is a citizen nor a national of the United States.

2. On or about March 1, 2000, Defendant was arrested by law enforcement officers in New Jersey for committing various drugs related offenses, including but not limited to, Possession of CDS with intent to Distribute/School, namely Cocaine, in the Third Degree, in violation of Section 2C:35-7 of the New Jersey Code Criminal Justice.

3. On or about May 14, 2001, the Defendant pled guilty in the Superior Court of New Jersey, Essex County, to Possession of CDS with intent to Distribute/School, namely Cocaine, in the Third Degree, in violation of Section 2C:35-7 of the New Jersey Code Criminal Justice and was subsequently sentenced to ninety-two days receive credit for time spent in custody and probation for a period of three years, the circumstance of which offense constitute a felony.

4. On or about February 18, 2004, Defendant was arrested by law enforcement officers in New Jersey for committing various drugs related offenses, including but not limited to, Possession of CDS, namely Cocaine, in the Third Degree, in violation of Section 2C:35-10(a)(1) of the New Jersey Code of Criminal Justice.

5. On or about May 24, 2004, Defendant pled guilty in the Superior Court of New Jersey, Essex County, to Possession of CDS, namely Cocaine, in the Third Degree, in violation of Section 2C:35-10(a)(1) of the New Jersey Code of Criminal Justice and was subsequently sentenced to twenty-one days receive credit for time spent in custody and probation for a period of three years, the circumstance of which offense constitute a felony.

6. Thereafter, on or about July 5, 2006, the Defendant was ordered removed from the United States to the Dominican Republic by an Immigration Judge sitting in Newark, New Jersey.

7. On or about June 4, 2008, Defendant was removed from the United States to the Dominican Republic. Shortly before his removal from the United States on or about June 4, 2008, an official from the ICE took a fingerprint from Defendant.

8. At some point after his June 4, 2008 removal, the Defendant re-entered the United States without permission from either the Attorney General or the Secretary of Homeland Security.

9. On or about April 4, 2019, Defendant was arrested by ICE in Union City, New Jersey.

10. A fingerprint taken from Defendant pursuant to his 2000 arrest for committing various drugs related offenses, and his 2004 arrest for committing various drugs related offenses, were compared to his June 4, 2008 deportation record and the April 4, 2019 fingerprints that were taken after he entered ICE's custody. All the fingerprints were found to be identical.

11. Prior to the Defendant's reentry into the United States, neither the Attorney General nor the Secretary of Homeland Security consented to the Defendant re-entering the United States. The Defendant also did not receive a waiver allowing him to re-enter the United States.